

Atty. Docket No. 569.005

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-38 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 12, 13, 24, 25, 36, 37, and 38 are Independent claims; the remaining claims are dependent claims. Independent claims 1, 12, 13, 24, 25, 36, 37, and 38 have been rewritten. Applicants intend no change in the scope of the claims by the changes made by these amendments. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1- 38 stand rejected under 35 USC § 103(a) as being unpatentable over Kolawa et al et al. (hereinafter "Kolawa") in view of Froseth et al. (hereinafter "Froseth"). Specifically the Office asserted that "[i]t would have been obvious ... to modify the system of Kolawa to include means for providing at least one suggests recommended menu which meets predetermined nutritional criteria, as taught by Froseth, with the motivations of catering to health concerns while meeting the diverse health and taste needs of individual consumers." Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

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The present invention is directed towards a system and method for commercial food management. The present invention utilizes the capabilities of a global computer network to automate commercial food operations. Specifically, information needed to prepare nutritionally appropriate menus that may be in accordance with a specific type diet is preferably located remotely from the users of the instant invention. The invention includes the capability to recognize authorized users that remotely access the invention. Additionally, the instant invention is able to suggest menus that meet predetermined nutritional criteria and that are associated with at least one predetermined diet type, and further provide nutritional information relating to the suggested menus. (column 3, lines 8 to 18)

As best understood, Kolawa appears to be directed to a system that automatically recommends products in different user domains, such as movies, meals, and music. (Abstract, Figure 5) The recommendations of the system are determined through user needs and preferences information that is tracked and collected via user input before and after choice selection. (column 3, lines 5-13) These recommendations are geared towards individual users, or at the most towards a user family.

This is in stark contrast to the present invention. Those recommendations that are directed towards meal choices do not include nutritional information, nor are they directed towards maintaining a specific type of diet. Rather, the meal determinations are made based on the types of food the user likes, the amount of time the user would like to spend cooking, etc. and include information about the chemical makeup of the ingredients of the meal. Chemical information about the meal which is weighted based on taste and

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attribute of the ingredient does not constitute any type of nutritional information as it is well-known in the art. Further, as asserted in the outstanding Office Action, Kolawa fails to explicitly disclose suggesting a menu that meets predetermined nutritional criteria. Additionally, there is no teaching or suggestion in Kolawa to maintain diet types or to associate the meals with specific or predetermined diets that the users or recipients of the meals may be practicing. Rather Kolawa forces the user to enter any specific foods or ingredients that the user does or does not want included in his meal.

Froseth does not overcome the deficiencies of Kolawa as stated above. As best understood, Froseth appears to be directed to an online system and method for selecting, ordering, and distributing customized food products. (Abstract) Froseth allows the user to enter likes, dislikes, customizations, ingredients, and so forth to create a meal or have one suggested by the invention. Those recommendations may be directed towards meal choices that include or take into account nutritional information, but they are not directed towards maintaining a specific type of diet. There is no teaching or suggestion in Froseth to maintain diet types or to associate the food products created or ordered with specific or predetermined diets that the users or recipients of the meals may be practicing. Rather Froseth forces the user to enter any specific foods or ingredients that the user does or does not want included in his meal, or ascertains preferences through surveys.

Claim 1 has been amended to recite a system for facilitating commercial food management, said system comprising means for recognizing an authorized user accessing the system remotely, means for providing at least one suggested menu which meets predetermined nutritional criteria, wherein said one suggested menu is associated with a

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predetermined diet, and means for providing nutritional information relating to said at least one suggested menu. (emphasis added) Similar language also appears in the other Independent Claims. Neither Kolawa nor Froseth, nor the combination of the two, teach or suggest the limitations of the instant invention.

Further, a 35 USC 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually combining the references would not produce the claimed invention. At best, however, combining Wang and Razin would result in an online system and method to order, distribute, or create new combinations of food, music, and other consumer-related items based on user recommendations and input. Even if there were a motivation for the combination, this combination does not teach or suggest the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

In view of the foregoing, it is respectfully submitted that Claims 1, 12, 13, 24, 25, 36, 37, and 38 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 12, 13, 24, and 25, it is respectfully submitted that Claims 2-11, 14-23, and 26-35 are also presently allowable.

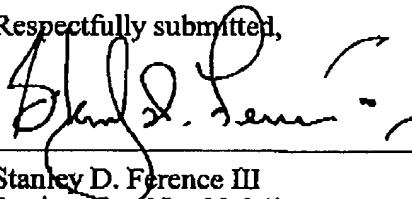
The "prior art of record" has been reviewed. Applicant acknowledges that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such

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prior art against the claims in the future, Applicant will be fully prepare to respond thereto.

In summary, it is respectfully submitted that the instant application, including Claims 1-38, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Respectfully submitted,


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